

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works		(2) MEETING DATE March 28, 2006		(3) CONTACT/PHONE Noel King, Director of Public Works (805) 781-1288	
(4) SUBJECT Review of County Flood Control Policies, Maintenance and Improvement Efforts					
(5) SUMMARY OF REQUEST Request that the Board conduct a discussion concerning County flood control activities.					
(6) RECOMMENDED ACTION It is our recommendation that your Board conduct a public discussion of County policies and practices regarding flood control maintenance and improvements, and provide whatever direction you believe to be warranted at the conclusion of that discussion.					
(7) FUNDING SOURCE(S) N/A Discussion only		(8) CURRENT YEAR COST N/A Discussion only		(9) ANNUAL COST N/A Discussion only	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Various Special Districts, Coastal Resource Conservation District, U.S. Natural Resource Conservation Service					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Board Business (Time Est. 60 min )			(16) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

Reference: 06MAR28-BB-1

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(19) ADMINISTRATIVE OFFICE REVIEW	<p>OK Leslie Brown</p> <p>E-1 3-28-06</p>
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# SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

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**TO: Board of Supervisors**

**FROM: Noel King, Director of Public Works** *NK*

**DATE: March 28, 2006**

**SUBJECT: Review of County Flood Control Policies, Maintenance and Improvement Efforts**

## Recommendation

It is our recommendation that your Board conduct a public discussion of County policies and practices regarding flood control maintenance and improvements, and provide whatever direction you believe to be warranted at the conclusion of that discussion.

## Discussion

### **Background Information**

San Luis County has a long history of flooding and storm damage. Because of its climate and topography, the region's annual rainfall typically happens in a relatively few large storm events. During these storms, streamflow increases quickly, floodwaters often contain a great deal of debris and result in major damage. In the past one hundred years there have been about 25 years in which significant damage was caused by flooding somewhere in the County.

The wettest year on record was 1969 in which 54.5 inches of rain fell in the San Luis Obispo City area, which has an average rainfall of 22.2 inches. Other fairly recent wet years include 1973, 1978, 1983, 1995, and 1998; all of which had rainfall between 40 and 48 inches.

Damage causing rainfall events are highly localized. Much depends on how a specific storm affects a specific watershed. For example, a storm that you are all aware of in 2001 caused flooding that breached the Arroyo Grande Creek levee and damaged some areas of Old Town Nipomo, yet there was not enough rainfall that year to fill Lopez Lake.

When San Luis Obispo County was primarily a rural agricultural county, flooding was often considered an asset rather than a liability. The need for water to irrigate crops outweighed the damage done by flooding. As the county has become developed, flood damage has become a more important issue. Unfortunately, as the need for improving flood control became greater, the ability of government to provide flood control measures became more difficult.

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The San Luis Obispo County Flood Control and Water Conservation District was created in 1949 with the ability to levee taxes to provide flood control and to develop water resources. In 1968, in response to a general feeling of over taxation, the Flood Control District Board passed a resolution establishing a policy of only using the general taxation power of the District to provide surveillance of potential flooding problems and initial planning efforts to assist groups of property owners. The District would then provide assistance in forming zones within the District, so that property owners in the areas with the potential problems would pay the cost of correcting the problem.

Since this policy was adopted, various environmental laws have made flood control projects very expensive to construct and maintain. At the same time, certain tax laws have made establishing funding sources to pay for flood control projects very difficult – and not possible without voter approval. These laws included California's Proposition 13 in 1978 and Proposition 218 in 1996. Several local zones of benefit were formed prior to these voter approved propositions by the Board of Supervisors, including FC Zone 1/1A (Arroyo Grande Creek levee); FC Zone 3 (Lopez Dam and Water Treatment Plant and distribution lines); FC Zone 4 (Share of Cost of Santa Maria River levee maintenance); and FC Zone 9 (Watershed at San Luis Obispo Creek). Since Proposition 16 was passed, FC Zone 16 (construction and maintenance of various Flood Control basins in the Nipomo area) has been established.

### **Flood Prevention Actions Since 2001**

Subsequent to the 2001 flood events, the County has taken several important steps to help lessen the impact of major storms. These included:

1. Funding and conducting an \$800,000 six community drainage study that documented the causes and required engineering solutions to reduce or eliminate the expected damage of future floods, and presented the study results to each of these six communities.
2. Through the initiative of Chairman Achadjian, met with representatives of many of the regulatory agencies to explore ways of obtaining environmental permits needed for heavy maintenance work in the Arroyo Grande Creek.
3. Contributed \$180,000 to the Resource Conservation District to make possible an alternatives analysis for future operations and improvements to the Flood Control Zone 1 and 1A areas of the Arroyo Grande Creek.
4. Enacted a section of the Water Code that required the State of California Department of Water Resources to establish a Flood Maintenance Area at Flood Control Zone 1, and be available and ready to start performing the level of maintenance to Arroyo Grande Creek necessary to significantly reduce the likelihood of future levee breaching or overtopping. This service has not yet been enacted, but is available if requested by your Board.
5. Provided enough General Fund support to the Roads budget so that timely and prudent maintenance could be conducted on road related flood control facilities and emergency responses could be carried out when necessary.

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6. Provided significant engineering work to obtain the required Federal permits for, and completed the design of, a major \$3.3 million Cambria area flood control project, which will be constructed later this year.
7. Supported community organized creek clean up events in Santa Margarita and Nipomo in creative ways that allow the use of Road Fund monies to help achieve flood prevention work in areas outside of the road right of way.
8. Included a major culvert upgrade and creek flow enhancement project in the recent Old Towne Tefft Street road enhancement project.
9. Required and processed various annexations to FC Zone 16 to provide for the handling of flood water runoff from new developments the Nipomo area.
10. Contributed \$150,000 to the Flood Control 1/1A Zone of Benefit for 2005-06 maintenance in the channel.
11. Had Public Works Department staff spend over 300 hours of staff time this fiscal year, many of which were "off the clock," working with the Flood Control Zone 1 "Task Force" to assist them in establishing an acceptable local alternative channel maintenance program instead of the more expensive DWR option that would otherwise be necessary.
12. Made numerous "small cost" roads related drainage improvements in various communities with the use of Road Fund monies. A partial list of these improvements is included as Attachment A.
13. Applied for, and was recently awarded, a \$75,000 Proposition 50 grant that is to be used to establish a documented process for both County staff and the public to use to bridge the gap from knowing what needs to be done (as documented in the six community drainage study referenced in November 1, above) to actually getting the indicated improvements in the ground.

#### **Flood Control Improvements Requested in 2006-07 Budget**

In addition to these thirteen significant steps toward an improved flood control program throughout the County, in response to the most recent storms of January 2006, and at the urgency of Chairman Achadjian, the Public Works Department has made two new flood control program improvement requests in the department's proposed 2006-07 budget. An estimated \$3,000,000 is necessary to construct the roads related improvements documented in the six community drainage study. That amount has been requested as a one time supplement to the standard level of service in the proposed 2006-07 Roads budget. The specific improvements what would be constructed with this \$3,000,000 - - were it made available - - are listed on Attachment B. Funding this request will be problematic for the Board, because that funding would need to come from an impacted General Fund.

Additionally, a new recurring annual program request is included in the General Fund supported Public Works Special Services proposed 2006-07 budget. This \$200,000/yr. program would fund an estimated 1/4 of an FTE of engineering time, and \$170,000 of seed money to assist the communities that are interested in implementing one or more of the major

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non roads related flood control improvements that are documented in the six community study.

### **Other Agency Involvement/Impact**

Various Community Services Districts, the Coastal Resource Conservation District and the United States Natural Resource Conservation Service are among the agencies in this County that are interested in our County's flood control issues. Your County Counsel is also involved for the purposes of assisting with potential reorganizations of County flood control entities and matters regarding possible County liability.

### **Financial Considerations**

Through the Road Fund, your Board currently spends several hundred thousand dollars per year on preventative maintenance of road related areas potentially impacting flood control, as well as for storm patrols and emergency responses, as was the case this January.

Through the San Luis Obispo County Flood Control and Water Conservation District, funding is provided to do studies that are the critical first step in solving major flood control problems. This was the source of the \$800,000 needed for the six community drainage study.

As discussed above, \$3,000,000 is shown as needed in the proposed 2006-07 Roads budget for roads related flood control improvements, and \$200,000 in the proposed Public Works Special Services budget to facilitate non-roads related Flood Control Improvements. Funding these large sums of necessary money from the General Fund will be challenging for the Board to do, given the limited amounts of discretionary General Fund dollars available and the many competing needs for that limited funding.

In addition to the \$3 Million of Roads related improvements needed, the 2004 County Drainage Report estimates the cost of non-Roads related drainage improvements at about \$49 Million. Your Flood Control policy regarding specific improvements being funded by benefiting property owners through zones of benefit relates primarily to non-Roads related improvements. However, it is possible to follow a similar process of voter approved funding for Roads-related improvements.

Some property owners have self funded road upgrades through the Cooperative Roads program over the years. In those projects, however, the nexus of assessments paid to benefits received was very clear and direct. It seems unlikely that a large group of property owners would be willing to tax themselves to upgrade Roads related improvements of this nature. Such an approach would likely take 4-6 years to complete a Roads related project funded by taxpayers, as opposed to 1-3 years if funded by the County General Fund.

### **Results**

The result of the recommended action, conducting a public discussion on this issue, will be a heightened understanding of flood control issues in this County for the Board and the public. This item will also provide the Board with an opportunity to publicly give new direction to staff, if they so desire. Ultimately, this will help achieve a safer and better governed community.

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Attachments: A. Small Cost Drainage Improvements in various communities Road Fund monies being used.

B. Roads Related Flood Control Improvements as Documented in Six Community drainage Study Requested in 2006-07 Budget.

File: Flood Control – General

Reference: 06MAR28-BB-1

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